

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KENNETH T. VAIL,	:	
	:	No. 02-CV-2933
Plaintiff	:	
	:	
v.	:	
	:	
HARLEYSVILLE GROUP, INC.,	:	
	:	JURY TRIAL DEMANDED
Defendant	:	
		ELECTRONICALLY FILED

**JOINT MOTION TO CONTINUE PRE-TRIAL REQUIREMENTS  
AND TRIAL DATE PENDING THE COURT'S RULING  
ON DEFENDANT'S SUMMARY JUDGMENT MOTION**

Plaintiff Kenneth T. Vail ("Vail") and Defendant Harleysville Group, Inc.

("Harleysville"), by and through their undersigned counsel, for good cause, hereby respectfully move this Court to continue all pre-trial requirements, as set forth in the Court's February 3, 2004 Rule 16 Status Conference Order and January 26, 2004 Jury Trial Attachment Order, pending the Court's ruling on Harleysville's summary judgment motion for the following reasons:

1. On July 15, 2004, Harleysville filed with the Court a Motion for Summary Judgment, along with a supporting Memorandum of Law, Statement of Undisputed Material Facts and Appendix of Exhibits.
2. On July 29, 2004, Vail filed a brief in response to Harleysville's Motion for Summary Judgment, along with a response to Harleysville's Statement of Undisputed Material Facts and an Appendix of Exhibits.

3. The Court has not yet issued a decision on Harleysville's Motion for Summary Judgment.

4. After conferring, the parties agree that significant substantive issues have been presented to the Court which may result in dismissal of Vail's claims and therefore obviate the need for a trial in this matter. The parties mutually agree that it is in their best interests, and in the interest of the Court, to avoid the potentially unnecessary burden and expense of trial preparation in these circumstances where it is possible that the case may be dismissed on summary judgment.

5. Based on these reasons, the parties believe that there is good cause to continue the pre-trial requirements and the trial date as set forth in the Court's February 3, 2004 Rule 16 Status Conference Order and January 26, 2004 Jury Trial Attachment Order.

Should the Court deny Harleysville's Motion for Summary Judgment, the parties respectfully request that all pre-trial requirements begin approximately thirty (30) days from the date of the Court's denial of the Motion for Summary Judgment, or pursuant to such other schedule as the Court deems appropriate.

A proposed Order is attached.

Respectfully submitted by<sup>1</sup>:

LAW OFFICES OF DONALD P. RUSSO      BLANK ROME LLP

By: /s/ Donald P. Russo  
Donald P. Russo, Esquire

By: /s/ Anthony B. Haller  
Anthony B. Haller, Esquire (PA 37017)

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<sup>1</sup> Donald P. Russo, Esquire and Anthony B. Haller, Esquire are registered users of the Court's Electronic Case Filing ("ECF") system. By his electronic signature above, Donald P. Russo, Esquire expressly consents to the filing of this Motion and proposed Order, electronically by Anthony B. Haller, Esquire.

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Attorneys for Defendant  
Harleysville Group, Inc.

Dated: August 16, 2004

**CERTIFICATE OF SERVICE**

I hereby certify that on this date I filed the following documents electronically via the Court's Electronic Case Filing ("ECF") System, and the documents are available for reviewing and downloading from the ECF System: Joint Motion to Continue Pre-Trial Requirements and Trial Date Pending the Court's Ruling on Defendant's Summary Judgment Motion, and Proposed Order.

Additionally, I hereby certify that on this date, I served a true and correct copy of the foregoing documents via first-class prepaid mail upon:

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/s/ Anthony B. Haller  
Anthony B. Haller

Dated: August 16, 2004